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25 Jan.

ROUTING AND RECORD SHEET

SUBJECT: (Optional)

HR 12004 - A Bill to Amend the
Freedom of Information Act

FROM:

Howard J. Osborn
Director of Security

EXTENSION

NO.

DATE

TO: (Officer designation, room number, and
building)

DATE

OFFICER'S
INITIALS

COMMENTS (Number each comment to show from whom
to whom. Draw a line across column after each comment.)

1.

Legislative Counsel

2. Attn: P.

Ass't. Leg. Counsel

STATINTL

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FORM
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USE PREVIOUS
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25 JAN 1974

MEMORANDUM FOR: Legislative Counsel
ATTENTION : [REDACTED] STATINTL
Assistant Legislative Counsel
SUBJECT : HR 12004 - A Bill to Amend the
Freedom of Information Act
REFERENCE : OLC Buckslip to DD/P&M/OS dtd 9 Jan 74,
Subject as Above

1. HR 12004 proposes to amend Section 552 of Title 5 of the United States Code (the Freedom of Information Act) by inserting additional sections dealing with the classification/declassification procedures to be followed in regard to national defense information. A review of the Bill has disclosed that several of the provisions would pose serious problems for the Agency, both from an administrative and a security standpoint.

2. The Bill, like EO 11652, establishes two broad categories for the protection of classified information: nonexempt information which is subject to automatic downgrading and declassification, and exempt information (four subcategories) for which special procedures permitting extension of the period of classification are provided. Classified information containing references to intelligence methods and sources would fall into the exempt category, however, the continued protection of this material would be contingent upon:

a. Transmittal to and review by a Classification Review Committee (CRC), to be established by other provisions of the Bill; and

b. A written, detailed justification from the President, which could be over-ridden by a two-thirds vote of the CRC.

3. Unlike the Executive Order, the Bill would force the automatic declassification of two types of documents now protected:

a. Information received from foreign governments or international organizations with the understanding that it receive continued protection equivalent to that afforded it by the releasing entity; and

b. Documents the unauthorized disclosure of which would place an individual in immediate jeopardy.

The obvious effect of curtailing the ability of the President and the Executive Departments to protect foreign information would simply be the abrupt loss of that source.

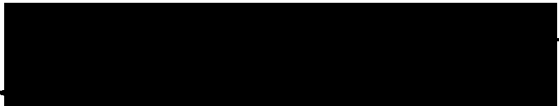
4. The most serious overall aspect of the Bill appears to be the provisions requiring annual review and downgrading of all material falling into the nonexempt category by those individuals holding original classification authority in each agency, coupled with the further requirement for review and formal request for continued classification of information in the exempt subcategories (including intelligence sources and methods). The sheer volume of such information generated and held by the Agency would make the carrying out of such procedures a tremendous administrative task, particularly when viewed within the limitations imposed by current personnel ceilings. Additionally, all material classified prior to the 15-year period immediately preceding the effective date of the enactment of the Bill would be automatically declassified within six months thereafter. This would represent a one-time task of huge proportions and would, again, conflict with the DCI's responsibility for the protection of sources and methods.

5. The Bill also requires the quarterly compilation and transmittal to the CRC by the head of each agency of a full and complete list of the names and addresses of all individuals within such agency who have the authority to classify official information, including a breakdown by

category; i.e., TOP SECRET, SECRET, CONFIDENTIAL. It would further require that a copy of each such list be made available, upon written request to the agency head, to any committee of Congress and the Comptroller General of the United States. This provision would create serious problems for the Agency in regard to those persons who are in a cover status and would appear to serve no truly useful purpose.

6. In summary, it seems clear that the passage of this Bill would present a great administrative burden on the Agency; would seriously jeopardize the continued protection of sensitive information; and would result in the probable cut-off of classified material now being furnished by foreign governments.

7. The Office of Security position would be that the Bill should be opposed in its present form. Please advise if we can be of any further assistance in this matter.

TATINTL
Howard J. Osborn
Director of Security

cc: C/ISAS
EO-DD/M&S